CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

INITIAL STUDY

PROJECT FILE NO.: CP 01-01-008

PROJECT DESCRIPTION: Conditional Use Permit to allow a concrete/asphalt crushing and recycling facility on a 7.17-gross acre site. The permit is for a two-year non-renewable time period. The new facility will include a mobile crusher, radial stacker, truck scale, and other pertinent equipment. In addition, new fences, gates, and landscaping are proposed. Materials will generally be stockpiled in the southerly and westerly area of the site. No new buildings are proposed. One existing mobile building will remain to be used as an office.

PROJECT LOCATION: South side of Berryessa Rd approx. 400 feet northerly of Timothy Dr (11740 Berryessa Road)

GENERAL PLAN DESIGNATION: Heavy Industrial. A small northeasterly corner portion of the subject parcel not part of the scope of this project, is located within riparian corridor, and is designated Public Park and Open Space.

ZONING: HI-Heavy Industrial. A small northeasterly corner portion of the subject parcel not part of the scope of this project, is located within riparian corridor, and is zoned A(PD) Planned Development.

SURROUNDING LAND USES: San José Flea Market to the north & northeast;industrial uses to the south, east & west

PROJECT APPLICANT'S NAME AND ADDRESS: Tom Bylund
SRDC, Incorporated, 1265 Montecito Avenue, Suite #200, Mountain View, CA 94043-4506

DETERMINATION
On the basis of this initial study:

☐	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
☐	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
☐	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

_____ _____

Date Signature

Name of Preparer: Jenny Nusbaum
Phone No.: (408) 277-4576

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	1,2, 25
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2, 25
e) Increase the amount of shade in public and private open space on adjacent sites?	☐	☐	☐	☒	1,2

DISCUSSION OF IMPACTS: The site's frontage is located adjacent and to the south of a parcel owned by Union Pacific Railroad, which is fenced. The front setback of the subject site shall be screened by a landscape buffer at least 15 feet in width. To avoid glare, the project's lighting shall conform to the City of San Jose's Lighting Policy and Riparian Corridor Policy. The project will create piles of crushed rock up to 20 feet in height.

MITIGATION MEASURES: The project includes revegetation of the riparian corridor and a 300 foot setback for concrete recycling operations in accordance with the recommendations of the Riparian Survey prepared by H.T. Harvey and Associates updated August 29, 2001, for a Concrete Recycling Facility project located at 11740 Berryessa Road, San Jose. A landscaped berm that is at least 7 feet and 6 inches in height and at most 12 feet in height will be constructed in the front setback of the subject parcel. Piles of crushed concrete and asphalt shall be set back at least 25 feet from the front property line and will be screened from public view by the landscaped berm.

II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	1,3,4

DISCUSSION OF IMPACTS: The site is located in an urbanized area zoned and designated by the General Plan for heavy industrial use. It has previously been developed as a mini-storage/warehouse operation.

MITIGATION MEASURES: No mitigation measures are required.

III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,14, 26
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐	1,14, 26
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐	1,14, 26
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,14, 26

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	1,14, 26

DISCUSSION OF IMPACTS: Project operations will use equipment permitted by the BAAQMD. The project's operations will occur for a maximum duration of ten (10) hours daily. The project will not conflict with the thresholds of significance for the local and regional air quality standard established by the Bay Area Air Quality Management District. However, there will be temporary impacts from the dust generated during construction and operational activities. Construction and project operations could cause dust emissions that could have a significant temporary impact on local air quality and contribute sources to regional air quality. A draft report by Air Permitting Specialists entitled "Evaluation of Air Quality Impacts and Public Health Risks Associated with Concrete Recycling Facility," dated August 6, 2001, amended August 26, 2001, and a Final Air Quality Report dated March 26, 2002 entitled "Final Report Evaluation of Air Quality Impacts and Public Health Risks Associated with Concrete Recycling Facility" concluded that the emissions from the above-mentioned activities would have a less than significant impact based upon BAAQMD CEQA thresholds. The project would use electrically powered equipment that would use power from a local utility. The operational equipment is permitted under Bay Area Air Quality Management District and California Air Resources Board's permit requirements. Operation of the proposed facility would release particulate matter from the crushing/screening operations. Emissions of carbon monoxide (CO), oxides of nitrogen (Nox), oxides of sulfur (Sox) and particulates related to combustion would be less than significant. Daily emission rate of PM-10 is below the threshold of significance as established by the BAAQMD's CEQA Guidelines. Daily emissions of PM-10 are estimated to be 22.9 pounds per day. This is well below the threshold of significance of 80 pounds per day. As a result, it is concluded that the proposed project would not cause significant long term air quality impacts.

MITIGATION MEASURES: While the project is under construction and during dust-generating operations, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site. The BAAQMD has prepared a list of feasible construction dust control measures that can reduce construction impacts to a level that is less than significant. The following construction practices shall be implemented during all phases of construction and during dust-generating operations on the project site. With the inclusion of these mitigation measures, air quality impacts associated with construction will be reduced to less-than-significant levels.

a. Use dust-proof chutes for loading construction debris onto trucks.

b. Water to control dust generation during demolition of structures and break-up of pavement.

c. Cover all trucks hauling demolition debris from the site.

d. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.

e. Cover all trucks hauling soil, sand, or other loose materials, or require trucks to maintain at least two feet of freeboard.

f. Sweep daily (preferably with water sweepers) all paved access road, parking areas, and staging areas at construction sites.

g. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

h. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

j. Replant vegetation in disturbed areas as quickly as possible.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1,10, 25
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	1,6,10, 25
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	1,6, 25
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐	1,10, 25
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐	1,11, 25
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐	1,2, 25

DISCUSSION OF IMPACTS: Erosion runoff from the project site could enter the live stream resulting in a temporary loss of habitat that could potentially impact steelhead rainbow trout. A reduction of water quality during project operations could potentially affect steelhead trout both on and downstream from the site. Erosion and grading activities could impact newly planted riparian vegetation and existing ordinance size trees. Western pond turtles could move through the project site and red-legged frogs could be washed downstream during flood events and remain at the site.

MITIGATION MEASURES: The project is designed so that operations will be set back a minimum of 300 feet from the riparian corridor. Wildlife mitigation measures and ordinance tree mitigation measures shall be per the recommendations of the Riparian Survey updated August 29, 2001, and Tree Survey dated July 26, 2001 for a Concrete Recycling Facility project located at 11740 Berryessa Road, San Jose prepared by H.T. Harvey and Associates. The recommended mitigation measures in these reports shall be implemented as permit conditions.

V. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	☐	☐	☒	☐	1,7, 27
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☐	☒	☐	1,8, 27
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	1,8, 27
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	1,8, 27

DISCUSSION OF IMPACTS: A report entitled "Cultural Resources Assessment Update – San Jose Self Storage Facility, City of San Jose, Santa Clara County, APN 254-13-090," dated December 10, 1997, prepared by Basin Research Associates concluded that archaeological sites have not been recorded within or adjacent to the project,

research has not identified significant historic era resources, and subsurface evidence of significant cultural deposits has not been observed during both the 1984 field inventory and other inventories.

MITIGATION MEASURES: Basin Research Associates recommends that if any unanticipated prehistoric or significant historic era cultural materials are exposed during construction grading and/or excavation, operations should stop within 10 feet of the find and a qualified professional archaeologist contacted for evaluation and further recommendations. Potential recommendations could include evaluation, collection, recordation, analysis, etc. of any significant cultural materials followed by a professional report. These recommendations shall be included as conditions of the permit. As a condition of the permit, the applicant shall be required to submit a Storm Water Pollution Prevention Plan in compliance with requirements of the Clean Water Act for non-point discharges, which would include measures to reduce discharges. Implementation of the plan would ensure compliance with water quality standards and waste discharge requirements.

VI. GEOLOGY AND SOILS - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	1,5,24, 25, 28
2) Strong seismic ground shaking?	☐	☐	☒	☐	1,5,24, 25, 28
3) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,5,24, 25, 28
4) Landslides?	☐	☐	☒	☐	1,5,24, 25, 28
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,5,24, 25, 28
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	1,5,24, 25, 28
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒	1,5,24, 25, 28
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1,5,24, 25, 28

DISCUSSION OF IMPACTS: The San Andreas, Hayward, and Calaveras Faults, are the largest and most likely faults to produce an earthquake of significant strength to cause damage to the site. The site is approximately 4 miles westerly of the Hayward Fault Zone, 6.5 miles westerly of the Calaveras Fault Zone and 13.5 miles easterly of the San Andreas Fault Zone (closest distance). This site is located within an area as having low to moderately low liquefaction hazard toppling of materials and minor spills would be likely to occur in a major earthquake. Because the site is flat and parking areas shall be paved, substantial erosion would be unlikely. Most of the site will be covered by impermeable surfaces (parking lots and equipment areas) or landscaped areas with ground covers to protect the soil from erosion. Development under the project does not propose the use of septic tanks or alternative wastewater disposal systems. Erosion runoff from the project site could enter the live stream resulting in a temporary loss of habitat that could potentially impact steelhead rainbow trout. A reduction of water quality during project operations could potentially

affect steelhead trout both on and downstream from the site. Erosion and grading activities could impact newly planted riparian vegetation and existing ordinance size trees.

MITIGATION MEASURES: The project operations will be set back a minimum of 300 feet from the riparian corridor. Wildlife mitigation measures and ordinance tree mitigation measures shall be per the recommendations of the Riparian Survey updated August 29, 2001, and Tree Survey dated July 26, 2001 for a Concrete Recycling Facility project located at 11740 Berryessa Road, San Jose prepared by H.T. Harvey and Associates. The recommended mitigation measures in these reports shall be implemented as permit conditions. The permit will contain a condition that requires that the applicant employ Best Management Practices (BMPs) during site work to comply with the City's Grading Ordinance. As a condition of the permit, the applicant shall be required to submit a Storm Water Pollution Prevention Plan in compliance with requirements of the Clean Water Act for non-point discharges, which would include measures to reduce discharges. Implementation of the plan would ensure compliance with water quality standards and waste discharge requirements.

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1, 25, 26, 28
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	1, 25, 26, 28
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	1, 25, 26, 28
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	1,12, 25, 26, 28
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1,2, 25, 26, 28
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	1, 25, 26, 28
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2, 25, 26, 28
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	1, 25, 26, 28

DISCUSSION OF IMPACTS: The project's operations will emit less than significant amounts of PM-10 NOx, and ROG. There are two existing monitoring wells on the subject site, and there has previously been an underground storage tank release that has been reported to the Santa Clara Valley Water District (SCVWD). All previous underground storage tanks were removed in 1989. Impacted soil may be encountered during grading work. There are no schools with one-quarter mile of the site. The project site is approximately 2 miles easterly of San Jose International Airport and is not located within an airport land use plan or within two miles of a public airport or public use airport, nor is the area within the vicinity of a private airstrip. The project would create no facilities or generate any operations that would physically interfere with emergency response plans of the City of San Jose. The site not located in a location that would impair use of any emergency evacuation route. The site is located in a developed area of San Jose, so no hazard of wild land fire exists.

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

MITIGATION MEASURES: The permit issued for this project will contain a condition that states that any hazardous materials regulated by Chapter 17.68 of the San Jose Municipal Code on the site must be used and stored in full compliance with the City's Hazardous Material Ordinance and the Hazardous Materials Management Plan for the site approved by the San Jose Fire Prevention Bureau. In accordance with a report entitled "Soil and Ground Water Quality Evaluation," prepared by Lowney Associates, and last supplemented October 30, 2001, to address contaminated soil, the pernut will contain a condition that requires that if impacted soil is encountered during construction, work in this area shall be stopped and the soil should then be sampled to evaluate the extent of impact. An environmental consultant should be retained to assist with this work. The analytic results should be reviewed by the consultant and SCVWD to evaluate appropriate methods for handling the material and to evaluate if on-site reuse or off-site disposal is appropriate.

VIII. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐	1,15, 25, 28, 30
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☒	☐	☐	1, 25, 28, 30
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☒	☐	☐	1, 25, 28, 30
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	☐	☒	☐	☐	1, 25, 28, 30
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	1,17, 25, 28, 30
f) Otherwise substantially degrade water quality?	☐	☒	☐	☐	1, 25, 28, 30
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	1,9, 25, 28, 30
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☒	☐	1,9, 25, 28, 30
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	1, 25, 28, 30
j) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	1, 25, 28, 30

DISCUSSION OF IMPACTS: Surface run-off from on-site operations will contain materials that should not enter the drainage system, but that can be captured by inlet filters and other stormwater pollution prevention measures. A reduction of water quality during project operations could potentially affect steelhead trout both on and downstream from the site. Western pond turtles could move through the project site and red-legged frogs could be washed

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

downstream during flood events and remain at the site. An existing well on the site could present a danger to public health or to the ground water resources if it is not properly maintained or destroyed. The site is located in a flood zone susceptible to flooding during a 100 year flood. The property has apparently previously graded in the floodway. An existing berm that appears to be uncompacted and unengineered has apparently been constructed along the floodway, thereby reducing the creek's carrying capacity to convey floodwaters. This situation is in violation of the City's grading and floodplain management ordinances and Code of Federal Regulations.

MITIGATION MEASURES: As a condition of the permit, the applicant shall be required to submit a Storm Water Pollution Prevention Plan in compliance with requirements of the Clean Water Act for non-point discharges, which would include measures to reduce discharges. Implementation of the plan would ensure compliance with water quality standards and waste discharge requirements. The project operations will be set back a minimum of 300 feet from the riparian corridor. Wildlife mitigation measures and ordinance tree mitigation measures shall be per the recommendations of the Riparian Survey updated August 29, 2001, and Tree Survey dated July 26, 2001 for a Concrete Recycling Facility project located at 11740 Berryessa Road, San Jose prepared by H.T. Harvey and Associates. The recommended mitigation measures in these reports shall be implemented as permit conditions. An elevation certificate is required prior to the issuance of a building permit. Structures shall be required to elevate the finished floor to base flood elevation or floodproof to one foot above base flood elevation. Prior to Public Works clearance, the owner must propose acceptable measures to remedy the conditions created by the unpermitted berm. This may include removing the existing berm and reconstructing it out of the floodway. These solutions must be presented and be acceptable to the City of San Jose and other agencies with jurisdiction over the creek. In accordance with the requirements of the Santa Clara Valley Water District and applicable local, State, and Federal laws, the applicant shall implement the following measures: file Water Production Statements with the Santa Clara Valley Water District (SCVWD) in accordance with the SCVWD's filing requirements; maintain the well on the subject site so that it does not present a danger to public health or to the groundwater resources in accordance with the SCVWD's maintenance requirements; and properly destroy the well if it is no longer being used. All well destruction activities must be completed under permit from the SCVWD and by appropriately licensed personnel.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	☐	☐	☐	☒	1,2, 25
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒	1,2, 25
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	1,2, 25

DISCUSSION OF IMPACTS: There are no established communities that would be physically divided by this project. The project site is located in an area designated as Heavy Industrial in the General Plan and zoned HI-Heavy Industrial. The use conforms to the Heavy Industrial designation. Erosion runoff from the project site could enter the live stream resulting in a temporary loss of habitat that could potentially impact steelhead rainbow trout. A reduction of water quality during project operations could potentially affect steelhead trout both on and downstream from the site. Erosion and grading activities could impact newly planted riparian vegetation and existing ordinance size trees. Western pond turtles could move through the project site and red-legged frogs could be washed downstream during flood events and remain at the site.

MITIGATION MEASURES: The project operations will be set back a minimum of 300 feet from the riparian corridor. Wildlife mitigation measures and ordinance tree mitigation measures shall be per the recommendations of the Riparian Survey updated August 29, 2001, and Tree Survey dated July 26, 2001 for a Concrete Recycling Facility project

located at 11740 Berryessa Road, San Jose prepared by H.T. Harvey and Associates. The recommended mitigation measures in these reports shall be implemented as permit conditions. As a condition of the permit, the applicant shall be required to submit a Storm Water Pollution Prevention Plan in compliance with requirements of the Clean Water Act for non-point discharges, which would include measures to reduce discharges. Implementation of the plan would ensure compliance with water quality standards and waste discharge requirements.

X. MINERAL RESOURCES - Would the project:

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	1,2,23

DISCUSSION OF IMPACTS: There are no impacts to known mineral resources. The project will not extract minerals.

MITIGATION MEASURES: There are no mitigation measures required.

XI. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	1,2,13,18 29
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐	1, 29
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 29
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	1, 29
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	1, 29
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	1, 29

DISCUSSION OF IMPACTS: The project will exceed the noise standard stated in the Zoning Ordinance, however the Zoning Ordinance allows this standard to be exceeded with approval of a Conditional Use Permit. Because of the height of the noise source in some of these operations, it may not be feasible to reduce maximum noise levels to 70 dBA at the property line by means of physical barriers. However, adjacent uses are heavy industrial in nature, generate relatively high noise levels themselves, and are not sensitive receivers. One very specific atypical condition generates ground-borne vibration that is perceptible at the property line of the site. When the Caterpillar 245 makes extreme reaches with its loading bucket, the machine can tilt forward lifting the back end of the machine off the ground. When it hits the ground again, slight shaking is perceptible at the property line. Assuming operating hours from 7 a.m. to 5 p.m., Monday through Friday, the project will result in no change in the long-term average sound level at the nearest residences. The DNL will increase by between 0 and 2 dB at the project boundaries. This is a less than significant increase. The project is not located within the vicinity of a private airstrip.

MITIGATION MEASURES: The project does not significantly increase long-term average sound levels at the property line of the project, nor at the nearest sensitive receivers. Therefore no mitigation is required to reduce these levels. The project shall implement the recommendations of the Noise Report entitled Environmental Noise Assessment for SRDC, Inc. Concrete Crushing Facility, San Jose, California prepared by Joshua M. Roper and Philip

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

N. Sanders, Charles M. Salter Associates, April 15, 2002. The permit will contain a condition limiting the project's hours of operation from 7:00 am to 5:00 p.m. Although maximum noise levels are not significant according to CEQA guidelines, the project will include a berm eleven (11) feet in height along the southwest and northwest property lines to mitigate maximum noise levels to the maximum extent that is practical. Ground-borne vibration is not perceptible at the nearest residential property lines. It is perceptible at the project property line under one very specific condition. Mitigation consists of instructing equipment operators to be aware of the condition that causes perceptible ground-borne vibration and to avoid this condition.

XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1

DISCUSSION IMPACTS: The project is a small scale concrete and asphalt crushing and recycling operation on a site previously used for ministorage. The number of employees and customers will not exceed the number previously on the site. Therefore there are no impacts to population and housing.

MITIGATION MEASURES: No mitigation measures are required.

XIII. PUBLIC SERVICES - Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	☐	☐	☐	☒	1,2
Police Protection?	☐	☐	☐	☒	1,2
Schools?	☐	☐	☐	☒	1,2
Parks?	☐	☐	☐	☒	1,2
Other Public Facilities?	☐	☐	☐	☒	1,2

DISCUSSION OF IMPACTS: The project is a small scale concrete and asphalt crushing and recycling operation on a site previously used for ministorage. Therefore there are no adverse physical impacts to governmental facilities and public services.

MITIGATION MEASURES: No mitigation measures are required.

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	☒	1,2

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

DISCUSSION OF IMPACTS: The project is a small scale concrete and asphalt recycling operation on a site previously used for ministorage. Therefore there are no new adverse physical impacts to recreational facilities.

MITIGATION MEASURES: No mitigation measures are required.

XV. TRANSPORTATION / TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☐	☒	1,2,19
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒	1,2,19
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	1,19
e) Result in inadequate emergency access?	☐	☐	☐	☒	1,20
f) Result in inadequate parking capacity?	☐	☐	☐	☒	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒	1,2,18

DISCUSSION OF IMPACTS: The project is a small scale concrete and asphalt crushing and recycling operation on a site previously used for ministorage. Therefore there is no net increase in transportation/traffic impacts compared to the recent previous use on the site.

MITIGATION MEASURES: No mitigation measures are required.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	1,21

Issues	*Potentially Significant Impact*	*Less Than Significant With Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*	*Information Sources*

DISCUSSION OF IMPACTS: The project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Surface runoff generated at the site would be directed through filtering or onsite treatment measures before being discharged into the storm drainage system. The City of San Jose provides sanitary sewer service to the project area. The project would connect to the existing sewer lines in the area. Wastewater would be directed to the San Jose-Santa Clara Water Pollution Control Plant for treatment. No significant alterations to the sewer system would be required. The San Jose Water Company supplies water to the project area. Level of service growth anticipated as a result of the project would be minimal and therefore there would be sufficient water supplies available to serve the project from existing entitlements and resources. The construction would not cause significant environmental effects to stormwater drainage facilities since the area is already developed with storm drains. There are no unusual project circumstances or conditions that result in an expectation that the project would not comply with Federal, State, and local statutes and regulations related to solid waste.

MITIGATION MEASURES: As a condition of the permit, the applicant shall be required to submit a Storm Water Pollution Prevention Plan in compliance with requirements of the Clean Water Act for non-point discharges, which would include measures to reduce discharges. Implementation of the plan would ensure compliance with water quality standards and waste discharge requirements.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	☐	☐	☒	☐	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐	1

DISCUSSION OF IMPACTS: Impacts to sensitive receptors could result from rock crushing, conveyor, screening, and stockpiles operations as well as fugitive dust resulting from the proposed operations. A final report by Air Permitting Specialists entitled "Evaluation of Air Quality Impacts and Public Health Risks Associated with Concrete Recycling Facility," dated March 26, 2002 concluded that the emissions from the above-mentioned activities would have a less than significant impact based upon BAAQMD CEQA thresholds.

Erosion runoff from the project site could enter the live stream resulting in a temporary loss of habitat that could potentially impact steelhead rainbow trout. Surface run-off from on site operations will contain materials that should not enter the drainage system, but that can be captured by measures implemented from a Storm Water Pollution Prevention Plan. A reduction of water quality during project operations could potentially affect steelhead trout both on and downstream from the site. Erosion and grading activities could impact newly planted riparian vegetation and existing ordinance size trees. Western pond turtles could move through the project site and red-legged frogs could be washed downstream during flood events and remain at the site.

An existing well on the site could present a danger to public health or to the ground water resources if it is not properly maintained or destroyed.

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The site is located in a flood zone susceptible to flooding during a 100 year flood. The property has apparently previously graded in the floodway. An existing berm that appears to be uncompacted and unengineered has apparently been constructed along the floodway, thereby reducing the creek's carrying capacity to convey floodwaters. This situation is in violation of the City's grading and floodplain management ordinances and Code of Federal Regulations.

One very specific atypical condition generates ground-borne vibration that is perceptible at the property line of the site. When the Caterpillar 245 makes extreme reaches with its loading bucket, the machine can tilt forward lifting the back end of the machine off the ground. When it hits the ground again, slight shaking is perceptible at the property line.

MITIGATION MEASURES:

1. **Air Quality.** While the project is under construction and during dust generating operations, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site. The following construction practices shall be implemented during all phases of construction on the project site. With the inclusion of these mitigation measures, the short-term air quality impacts associated with construction will be reduced to less-than-significant levels.

    a. Use dust-proof chutes for loading construction debris onto trucks

    b. Water to control dust generation during demolition of structures and break-up of pavement

    c. Cover all trucks hauling demolition debris from the site

    d. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind

    e. Cover all trucks hauling soil, sand, or other loose materials, or require trucks to maintain at least two feet of freeboard

    f. Sweep daily (preferably with water sweepers) all paved access road, parking areas, and staging areas at construction sites

    g. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets

    h. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)

    i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways

    j. Replant vegetation in disturbed areas as quickly as possible

2. **Biological Resources Impacts.** The project operations will be set back a minimum of 300 feet from the riparian corridor. Wildlife mitigation measures and ordinance tree mitigation measures shall be per the recommendations of the Riparian Survey updated August 29, 2001, and Tree Survey dated July 26, 2001 for a Concrete Recycling Facility project located at 11740 Berryessa Road, San Jose prepared by H.T. Harvey and Associates. The recommended mitigation measures in these reports shall be implemented as permit conditions.

3. **Hydrology and Water Quality Impacts.**

    a. *Hydrology.* An elevation certificate is required prior to the issuance of a building permit. Structures shall be required to elevate the finished floor to base flood elevation or floodproof to one foot above base flood elevation. Prior to Public Works clearance, the owner must propose acceptable measures to remedy the conditions created by the unpermitted berm. This may include removing the existing berm and reconstructing it out of the floodway. These solutions must be presented and be acceptable to the City of San Jose and other

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agencies with jurisdiction over the creek.

b. *Water Quality.* As a condition of the permit, the applicant shall be required to submit a Storm Water Pollution Prevention Plan in compliance with requirements of the Clean Water Act for non-point discharges, which would include measures to reduce discharges. Implementation of the plan would ensure compliance with water quality standards and waste discharge requirements.

c. *Wells and Water Quality.* In accordance with the requirements of the Santa Clara Valley Water District and applicable local, State, and Federal laws, the applicant shall implement the following measures.

1) File Water Production Statements with the Santa Clara Valley Water District (SCVWD) in accordance with the SCVWD's filing requirements.

2) Maintain the well on the subject site so that it does not present a danger to public health or to the groundwater resources in accordance with the SCVWD's maintenance requirements.

3) Properly destroy the well if it is no longer being used. All well destruction activities must be completed under permit from the SCVWD and by appropriately licensed personnel.

4. **Noise.** One very specific atypical condition generates ground-borne vibration that is perceptible at the property line of the site. When the Caterpillar 245 makes extreme reaches with its loading bucket, the machine can tilt forward lifting the back end of the machine off the ground. When it hits the ground again, slight shaking is perceptible at the property line. Mitigation consists of instructing equipment operators to be aware of the condition that causes perceptible ground-borne vibration and to avoid this condition. This mitigation measure shall be implemented as a permit condition.

EARLIER ANALYSIS

1. Earlier Analysis Used:

2. Impacts Adequately Addressed:

3. Mitigation Measures:

CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. CP 01-01-008
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory

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8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Riparian Survey updated August 29, 2001, and Tree Survey dated July 26, 2001 for a Concrete Recycling Facility project located at 11740 Berryessa Road, San Jose prepared by H.T. Harvey and Associates
26. Final Report Evaluation of Air Quality Impacts and Public Health Risks Associated with Concrete Recycling Facility dated March 26, 2002, and Evaluation of Air Quality Impacts and Public Health Risks Associated with Concrete Recycling Facility, dated August 6, 2001 and amended August 26, 2001 all prepared by Air Permitting Specialists.
27. Cultural Resources Assessment Update – San Jose Self Storage Facility, City of San Jose, Santa Clara County, APN 254-13-090," dated December 10, 1997, prepared by Basin Research Associates
28. Soil and Ground Water Quality Evaluation prepared by Lowney Associates, last supplemented October 30, 2001
29. Environmental Noise Assessment for SRDC, Inc. Concrete Crushing Facility, San Jose, California prepared by Joshua M. Roper and Philip N. Sanders, Charles M. Salter Associates, April 15, 2002
30. Letter from Glenna Brambill of Santa Clara Valley Water District to SRDC, Incorporated dated March 23, 2001